



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MAGNUS ANDERSSON ET AL)
Serial No: 10/030,505)
Filed : January 8, 2002)
For: A METHOD OF PRODUCING A HOOD)
AND A HOOD PRODUCED)
ACCORDING TO THE METHOD)

RECEIVED

AUG - 6 2002

TECHNOLOGY CENTER R3700

PETITION TO MAKE SPECIAL

Commissioner of Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition to make this application special under 37 CFR 1.102(d) and MPEP 708.02(VIII). All of the claims are directed to a single invention.

Accompanying this petition are the following Attachments:

(A) A First Statement by Attorney in Support of Petition to Make Special, which sets forth that a pre-examination search has been made (e.g., the International Search Report, and the International Preliminary Examination Report), all of which were completed in the course of the PCT application process.

(B) a Second Statement by Attorney in Support of Petition to Make Special, which sets forth a detailed discussion of the references.

A check in the amount of \$130.00 to cover the petition fee pursuant to 37 CFR 1.17(h) is enclosed herewith.

If there are any additional charges with respect to this Petition or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorney.

07/18/2002 GFREY1 00000080 10030505

03 FC:122

130.00 OP

Respectfully submitted,

MAGNUS ANDERSSON ET AL

CANTOR COLBURN LLP
Applicants' Attorneys

By: 

Michael A. Cantor
Registration No. 31,152
Customer No. 23413

Date: July 1, 2002
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929

ATTACHMENT A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MAGNUS ANDERSSON ET AL)
Serial No: 10/030,505) Group Art Unit:
Filed : January 8, 2002) Examiner:
For: A METHOD OF PRODUCING A HOOD) Vonda M. Wallace
AND A HOOD PRODUCED)
ACCORDING TO THE METHOD)

FIRST STATEMENT BY ATTORNEY
IN SUPPORT OF PETITION TO MAKE SPECIAL

RECEIVED

AUG - 6 2002

TECHNOLOGY CENTER R3700

Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Michael A. Cantor (Registration No. 31,152) of Cantor Colburn LLP, 55 Griffin Road South, Bloomfield, CT 06002 (Telephone No. (860) 286-2929), am the attorney of record in this application and make the following statements.

The PCT Office performed a pre-examination search, which is attached herewith. MPEP 708.02.VIII provides that a search made by a foreign patent office satisfies the pre-examination search requirement. Attached is a copy of the International Search Report and the subsequent International Preliminary Examination Report.

Respectfully submitted,

MAGNUS ANDERSSON ET AL

CANTOR COLBURN LLP
Applicants' Attorneys

By: 

Michael A. Cantor
Registration No. 31,152
Customer No. 23413

Date: July 1, 2002
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929

1
INTERNATIONAL SEARCH REPORT

International application No.

PCT/SE 00/01248

A. CLASSIFICATION OF SUBJECT MATTER

IPC7: A61F 11/14, A42B 3/16

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC7: A61F, A42B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

SE,DK,FI,NO classes as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	WO 9424185 A1 (CABOT SAFETY CORPORATION), 27 October 1994 (27.10.94); claim 1, abstract --	1-14
A	US 3875592 A (JACKSON A. AILEO), 8 April 1975 (08.04.75), abstract --	1-14
A	US 4471496 A (ROSS GARDNER ET AL), 18 Sept 1984 (18.09.84), abstract --	1-14
A	US 5023955 A (JOHN A. MURPHY ET AL), 18 June 1991 (18.06.91), abstract -----	1-14

☐ Further documents are listed in the continuation of Box C.☒ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance: the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance: the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

12 October 2000

Date of mailing of the international search report

23-10-2000

Name and mailing address of the ISA/

Swedish Patent Office

Box 5055, S-102 42 STOCKHOLM

Facsimile No. +46 8 666 02 86

Authorized officer

Mattias Arvidsson/ELY

Telephone No. +46 8 782 25 00

INTERNATIONAL SEARCH REPORT
Information on patent family members

01/08/00

International application No.
PCT/SE 00/01248

Patent document cited in search report				Publication date		Patent family member(s)		Publication date	
WO	9424185	A1	27/10/94	AT	181343	T		15/07/99	
				AU	687393	B		26/02/98	
				AU	6558194	A		08/11/94	
				BR	9406473	A		23/01/96	
				CA	2160870	A		27/10/94	
				DE	69419145	D,T		05/01/00	
				EP	0695315	A,B		07/02/96	
				SE	0695315	T3			
				JP	2912017	B		28/06/99	
				JP	9501069	T		04/02/97	
				US	5420381	A		30/05/95	
				US	5792998	A		11/08/98	

US	3875592	A	08/04/75	NONE					

US	4471496	A	18/09/84	AU	559248	B		05/03/87	
				AU	2990984	A		03/01/85	
				BR	8402130	A		26/03/85	
				CA	1222851	A		16/06/87	
				DE	3423595	A,C		03/01/85	
				FI	79771	B,C		31/10/89	
				FI	841621	A		28/12/84	
				GB	2142220	A,B		16/01/85	
				GB	8414572	D		00/00/00	
				IT	1176337	B		18/08/87	
				IT	8421629	D		00/00/00	
				NL	8401723	A		16/01/85	
				SE	454840	B,C		06/06/88	
				SE	8403071	A		28/12/84	

US	5023955	A	18/06/91	NONE					

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/SE00/01248

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-14</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-14</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-14</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Cited documents:

D1: WO 9424185 A1
D2: US 3875592 A
D3: US 4471496 A
D4: US 5023955 A

The documents cited in the International Search Report represent background art.

The invention defined in claims 1-14 is not disclosed by any of these documents.

None of the cited documents gives any indication towards the claimed method of producing a hood for a hearing protector. No relevant combination of the cited documents would lead a person skilled in the art to the invention defined in the claims.

Therefore, the invention defined in claims 1-14 is novel and is considered to involve an inventive step. It is also considered to be industrially applicable.

TENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 942/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/SE00/01248	International filing date (day/month/year) 15.06.2000	Priority date (day/month/year) 08.07.1999
International Patent Classification (IPC) or national classification and IPC ⁷ A 61 F 11/14, A 42 B 3/16		
Applicant Peltor AB et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08.11.2000	Date of completion of this report 11.10.2001
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 08-667 72 88	Authorized officer Mattias Arvidsson/Els Telephone No. 08-782 25 00

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement) under article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2 (c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.



ATTACHMENT B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MAGNUS ANDERSSON ET AL)
) Group Art Unit:
Serial No: 10/030,505)
) Examiner:
Filed : January 8, 2002) Vonda M. Wallace
)
For: A METHOD OF PRODUCING A HOOD)
AND A HOOD PRODUCED)
ACCORDING TO THE METHOD)

RECEIVED

AUG - 6 2002

SECOND STATEMENT BY ATTORNEY
IN SUPPORT OF PETITION TO MAKE SPECIAL

TECHNOLOGY CENTER R3700

Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Michael A. Cantor (Registration No. 31,152) of Cantor Colburn LLP, 55 Griffin Road South, Bloomfield, CT 06002 (Telephone No. (860) 286-2929), am the attorney of record in this application and make the following statements.

MPEP 708.02.VIII requires a detailed discussion of the references deemed most closely related to the subject matter encompassed by the claims.

However, in this case, Applicants are unaware of any relevant references. The PCT International Search report lists four references (forwarded to the US PTO in an earlier Information Disclosure Statement), all of which were designated as "Category A". This means that the references define the general state of the art and are not considered to be of particular relevance. Indeed, the International Preliminary Examination Report states that the invention recited in the application is not disclosed in any of the Search Report references and that the claims are both novel and considered to involve an inventive step.

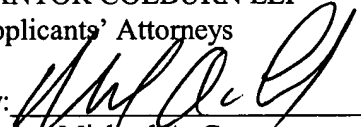
ATTACHMENT B

Based on the foregoing, it is believed that no discussion of the references is necessary or warranted due to the lack of any relevant references or any references whose subject matter is encompassed by the claims.

Respectfully submitted,

MAGNUS ANDERSSON ET AL

CANTOR COLBURN LLP
Applicants' Attorneys

By: 

Michael A. Cantor
Registration No. 31,152
Customer No. 23413

Date: July 1, 2002
Address: 55 Griffin Road South, Bloomfield, CT 06002
Telephone: (860) 286-2929